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23 **ATTORNEYS FOR PLAINTIFF**

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ARAN EISENSTAT, on behalf of himself and all others similarly situated,)	CASE NO.: 3:10-cv-01252-SC
)	<u>CLASS ACTION</u>
Plaintiff,)	PLAINTIFF'S VOLUNTARY DISMISSAL OF THE ACTION
v.)	
DIAMOND FOODS, INC., a Delaware corporation,)	
Defendant.)	

1 TO THE COURT AND ALL PARTIES

2 WHEREAS, Plaintiff hereby voluntary dismisses, pursuant to Fed.R.Civ.P. 41(a)(1)(A), all
3 claims against Defendant, without prejudice; and

4 WHEREAS, pursuant to Fed.R.Civ.P. 41(a)(1)(A)(i), Plaintiff hereby files this notice of
5 dismissal before Defendant has served either an answer or a motion for summary judgment;

6 PLAINTIFF HEREBY dismisses this action in its entirety without prejudice.

7 Dated: March 31, 2010

8 By: William T. Payne
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